

DEC. 15. 2003 10:55AM

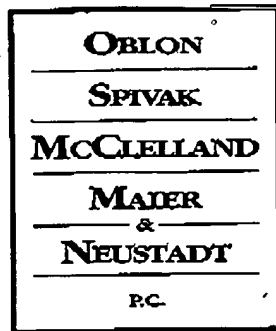
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FROM	James Boler	224569US
NAME	703-412-6262	OUR REFERENCE
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MESSAGE

Attached please find Filing Receipt, Cover Letter, and Halliburton's Request for Reconsideration of Group Director Wong's Decision Mailed October 09, 2003

I:\INTERFERENCE\FAXES\USPTO-EX YOUNG.DOC

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

SUJIAN HUANG ET AL.

: GROUP DIRECTOR: PETER WONG
TECHNICAL CENTER 2100

SERIAL NO: 09/635,116 :

FILED: AUGUST 09,2000 :

: FOR: METHOD FOR SIMULATING
DRILLING OF ROLLER CONE BITS AND
ITS APPLICATION TO ROLLER CONE
BIT DESIGN AND PERFORMANCEHALLIBURTON'S REQUEST FOR RECONSIDERATION OF GROUP DIRECTOR
WONG'S DECISION MAILED OCTOBER 09, 2003COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In his decision on Halliburton's petition to withdraw Smith's application from issue under 37 CFR 1.313, Group Director Wong acknowledged that "The USPTO is authorized to withdraw an application from issue after the payment of the issue fee for interference," citing 37 CFR 1.313(b)(4). However, he declined to initiate proceedings to do so on the ground that:

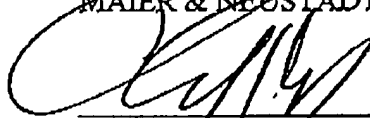
Interference is defined as "a proceeding instituted in the Patent and Trademark Office before the Board to determine any question of patentability and priority of invention between two or more parties claiming the same patentable invention." See 37 CFR § 1.601(i). As no interference has been declared to

Application No. 09/635,116
Request for Reconsideration

With respect, it is pointed out, that if the interference had been declared, ex parte prosecution, including the administrative steps leading to issuance of a patent to Smith, would have been suspended pursuant to 37 CFR 1.615(a). Accordingly, 37 CFR 1.313(b)(4)'s reference to withdrawing an application from issue "For interference" inherently means withdrawing the application from issue prior to declaration of the interference—that is, it refers to sending the application to the board so that both the target application (in this case, the Smith application) and the targeting application (in this case, the Halliburton application) can be referred to an APJ, who will then decide whether or not to declare an interference.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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CERTIFICATE OF SERVICE

This is to certify that one copy of the foregoing is being sent by means of pdf

addressed to:

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Dated: 16 Oct 03


Charles L. Gholz

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